

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 1:24-cv-00001

**DECLARATION OF CATHERINE L. ESCHBACH IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Catherine L. Eschbach, declare as follows:

1. I am an attorney in Morgan, Lewis, and Bockius LLP's Houston, Texas office and represent Plaintiff Space Exploration Technologies Corp. ("SpaceX") in this matter. I am the Attorney-in-Charge under the local rules for this matter.

2. On Wednesday, January 3, 2024, the National Labor Relations Board ("NLRB") filed an administrative complaint alleging SpaceX committed unfair labor practices, which set a date of March 5, 2024 for a hearing before an Administrative Law Judge on the matter. A true and correct copy of the redacted version of that administrative complaint, as the NLRB has made it available on its official website, is attached to this Declaration as Exhibit 1.¹

3. On Thursday, January 4, 2024, SpaceX filed this action in the United States District Court for the Southern District of Texas, Brownsville Division.

4. On Friday, January 5, 2024 at 5:08 p.m. CST, I emailed David Boehm, who had appeared on the docket in this matter as counsel for the NLRB, to ask: "[W]ould the NLRB be willing to agree to a stay of the currently scheduled administrative proceedings—including SpaceX's upcoming answer obligation—until the court can resolve our anticipated motion for a preliminary injunction and your potential motion to transfer[.]?"

5. Mr. Boehm responded by email later that evening regarding another matter raised in the email but did not respond to this inquiry.

6. On Monday, January 8, 2024 at 3:41 p.m. CST, I emailed Mr. Boehm to "follow up on the possibility of staying the NLRB proceedings, given the fast-approaching answer

¹ Several of the charging parties before the NLRB have reportedly made a request to proceed anonymously, and the NLRB has moved to file the administrative complaint in this Court under seal. ECF No. 35; *see* ECF No. 31 (sealed exhibit). Accordingly, SpaceX submits the publicly available, redacted version of the administrative complaint to support its preliminary injunction motion until the Court rules on the motion to seal.

deadline and the relatively quick timing for the hearing, which will not leave much time for the district court to timely address the transfer motion and our forthcoming preliminary injunction motion.”

7. On Tuesday, January 9, 2024 at 11:36 a.m. CST, Mr. Boehm responded: “In response to your inquiry, the Regional Office will consider requests for postponing your client’s time for filing an answer. Please direct your request in writing to the Regional Director and provide the reasons for your request.”

8. On Friday, January 12, 2024, SpaceX filed a Motion to Extend Time for Filing Its Answer to the Complaint and Motion to Postpone the Hearing on the docket in the NLRB administrative matter. A true and correct copy of the version of that Motion for Postponement is attached to this Declaration as Exhibit 2. My understanding is that the General Counsel opposes postponing the NLRB hearing until after this Court rules on SpaceX’s claims in this action. .

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 12, 2024, in Houston, Texas.



Catherine Lynn Eschbach